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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/829,532	04/21/2004	Dan Raphaeli	12407.0069	7317
25937	7590	06/04/2008		
Zaretsky Patent Group PC 17505 N 79th Ave, Ste 211 Glendale, AZ 85308-8726			EXAMINER	
			CORRIELUS, JEAN B	
			ART UNIT	PAPER NUMBER
			2611	
MAIL DATE	DELIVERY MODE			
06/04/2008	PAPER			

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/829,532	<b>Applicant(s)</b> RAPHAELI ET AL.
	<b>Examiner</b> Jean B. Corrielus	<b>Art Unit</b> 2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

1) Responsive to communication(s) filed on 23 March 2008.

2a) This action is FINAL.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

4) Claim(s) 1-3,5-7,10,11 and 13-38 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) 1-3,5-7,10,11 and 31-38 is/are allowed.

6) Claim(s) 17-30 is/are rejected.

7) Claim(s) 13-16 is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 11/13/07

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_

5) Notice of Informal Patent Application

6) Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/23/08 has been entered.

### ***Claim Objections***

2. Claims 13-22 are objected to because of the following informalities: Claim 13, line 7 recites "said shift index" is not consistent with antecedent in line 6 that recites "shift indices". The same comment applies to similar limitation in line 10. As per claim 17, the coupling circuit corresponds to "22" included in transmitter 10; the transmitter reads on elements (14, 16, 18), what element in the transmitter (14, 16 and 18) corresponds to means for generating a plurality of symbols of known shift rotation and the means for inserting predetermined time delays and where in the specification such means can be found? In addition, lines 11-13 recite "wherein said time delays are associated with a synchronization sequence selected to be orthogonal to those of the other synchronization sequences". Such a limitation suggests that the "time delays" are selected to be orthogonal to those of other. Note that any claim whose base claim is objected is likewise objected. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 17-30 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 17 recites "wherein said time delays are associated with a synchronization sequence selected to be orthogonal to those of the other synchronization sequences". However, there is no support for such limitations in the specification, as filed. The specification only teaches in paragraph 0049 that the sequences are orthogonal. The same comment applies equally to similar limitation recited in claim 23. Any claim whose base claim is rejected is likewise rejected.

5. Claims 17-22 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. As per claim 17, lines 6-7, recite "a transmitter adapted to modulate a synchronization sequence and data". Such limitation is not consistent with the specification paragraphs 0045-0046 that teach that the encoder is adapted to process

either the data from the host or a synchronization sequence. Any claim whose base claim is rejected is likewise rejected.

***Allowable Subject Matter***

6. Claims 1-3, 5-7, 10, 11, and 31-38 are allowed.
7. Claims 13-16 would be allowable if amended to overcome the objection set forth above.

***Response to Arguments***

8. Applicant's arguments filed 3/23/08 have been fully considered but they are not persuasive. It is alleged that support for the means plus function, as recited in claim 17 is found in block diagram 10 of fig. 1 and in the specification paragraphs 0042 through 0047. However, applicant did not specify which element(s) in block 10 of fig. 1 and what section of paragraphs 0042-0047 correspond to each of the means plus function limitations recited in the claim.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean B. Corrielus whose telephone number is 571-272-3020. The examiner can normally be reached on Monday-Thursday from 9:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chieh Fan can be reached on 571-272-3042. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jean B Corrielus/  
Primary Examiner  
Art Unit 2611